

# **PETITION FOR ZONING VARIANCE** TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 255.1 (area regulations) (to permit a 15' front yard in lieu of the required 25', a 17' west side yard in lieu of the required 30', and a 23' east side yard in lieu of the required 30').

All of the buildings shown on the attached plat are contained entirely within the Petitioner's property, and the yard variances requested affect no other property owner. The Petitioner needs to construct a storage building expeditiously in order to meet contract commitments to the design and production of sensitive systems for the National Security Agency. (See attached copy of letter from G.W. Rodgers to John B. Howard, Esquire.)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
ALLIED CORPORATION-BENDIX COMMUNICATIONS DIVISION  
(Type or Print Name)  
Signature  
G.W. Rodgers, Dir. of Operations, Towson Facility  
(Type or Print Name)

Attorney for Petitioner:  
Robert A. Hoffman, Esq.  
Address  
City and State

1300 East Joppa Rd., 583-4000  
Towson, Maryland 21204  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Robert A. Hoffman, Esq.  
210 Allegheny Ave.  
Towson, MD 21204  
City and State

BAaltimore County, Maryland  
OFFICE OF FINANCE, REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE 3/16/88 ACCOUNT 01-615-000  
AMOUNT \$ 100.00  
RECEIVED FROM C.L.H.D.T.  
FOR Variance # 391 UCR/JD  
VALIDATION OR SIGNATURE OF CASHIER

## **"DUPLICATE"** **CERTIFICATE OF PUBLICATION**

TOWSON, MD, May 11, 1988  
THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on May 11, 1988.

TOWSON TIMES,

S. Zebe Olsen  
Publisher

\$58.00

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property described herein at the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:  
Petition for Zoning Variance  
Case Number: 88-488-A  
NW Corner Joppa Road and Mylander Lane  
(1300 Joppa Road)  
9th Election District - 4th Councilmanic District  
Petitioner(s): Allied Corporation - Bendix Communications Division  
Hearing Date: Wednesday, June 1, 1988 at 1:00 P.M.  
Variance to permit a 15 foot front yard in lieu of the required 25 foot, a 17 foot west side yard in lieu of the required 30 foot, and a 23 foot east side yard in lieu of the required 30 foot for the proposed storage facility.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.  
J. ROBERT BAINES  
Zoning Commissioner of Baltimore County  
1-27 May 11

IN RE: PETITION FOR ZONING VARIANCE  
NW Corner Joppa Road and Mylander Lane  
(1300 Joppa Road)  
9th Election District  
4th Councilmanic District  
Allied Corp. - Bendix Communications Division  
Petitioner

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 88-488-A

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioner herein requests variances to permit a front yard setback of 15 feet in lieu of the required 25 feet, a west side yard setback of 17 feet in lieu of the required 30 feet, and an east side yard setback of 23 feet in lieu of the required 30 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Harold Daniels, its General Foreman and Plant Engineer, appeared, testified, and was represented by Counsel, Robert A. Hoffman, Esquire. Also appearing on behalf of the Petition was David Sunday, with Nolan-Scott, Inc., Contractor. There were no Protestants.

Testimony indicated that the subject property, zoned M.L., is currently improved with various office, manufacturing, and storage buildings. The Petitioner proposes constructing an additional storage facility on the subject property to house office equipment and furniture which has been moved from a building to provide additional space depending on the needs of a particular project. The Petitioner testified that from time to time, it may require more research space than office space and vice versa. In the past, the Petitioner has rented storage space from a local moving and storage company; however, due to the frequency of moving equipment in and out of buildings into storage, the Petitioner feels the need to have storage space directly on the property.

Testimony indicated that in its long history on the property, the Petitioner has never requested a variance and has strictly complied with the zoning regulations in the placement of all other buildings. The testimony presented

indicates that due to the unique characteristics of this property and the location of other buildings, there is no other suitable location to place the proposed storage facility and strictly comply with the zoning regulations.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the variance requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of June, 1988 that the Petition for Zoning Variance to permit a front yard setback of 15 feet in lieu of the required 25 feet, a west side yard setback of 17 feet in lieu of the required 30 feet, and an east side yard setback of 23 feet in lieu of the required 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

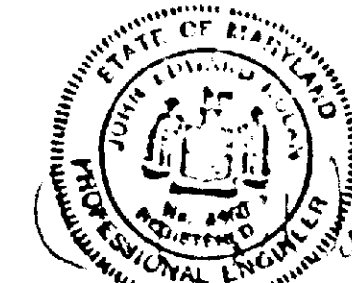
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

March 11, 1988

ZONING DESCRIPTION  
1300 East Joppa Road  
12.4812 Acre Parcel

Beginning for the same at a point on the east side of Mylander Lane at the distance of 1045.60 feet measured northerly along the east side of Mylander Lane from its intersection with Joppa Road and running thence from said place of beginning, south 65 degrees 49 minutes 09 seconds east 20.15 feet, thence south 27 degrees 23 minutes 06 seconds east 124.74 feet, thence south 74 degrees 24 minutes 54 seconds east 638.56 feet, thence south 15 degrees 35 minutes 52 seconds east 19.07 feet, thence north 74 degrees 07 minutes 25 seconds east 124.23 feet, thence north 13 degrees 49 minutes 58 seconds west 91.56 feet, thence north 50 degrees 59 minutes 12 seconds east 632.90 feet, thence easterly by a curve to the right with the radius of 3153.66 feet, the length of 409.91 feet, the chord of said curve being 3 degrees 43 minutes 25 seconds east 409.62 feet, thence north 30 degrees 27 minutes 48 seconds east 1045.60 feet to the place of beginning.

Containing 12.4812 acres of land more or less.



Robert A. Hoffman, Esquire  
Cook, Howard, Downs & Tracy  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
NW Corner Joppa Road and Mylander Lane (1300 Joppa Road)  
9th Election District; 4th Councilmanic District  
Allied Corp. - Bendix Communications Div. - Petitioner  
Case No. 88-488-A

Dear Mr. Hoffman:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Grant ed, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County

AMW:bjs  
Enclosures

cc: Mr. David Sunday  
Nolan-Scott, Inc.  
403 Allegheny Avenue, Towson, Md. 21204

People's Counsel  
File

ALLIED Bendix Aerospace

Bendix Communications Division  
1300 East Joppa Road  
Towson, Maryland 21204  
Telephone (301) 563-4000

March 8, 1988

Mr. John B. Howard  
Cook, Howard, Downs & Tracy  
210 W. Allegheny Avenue  
Towson, MD 21204

Dear Mr. Howard:

This letter will confirm our need and desire for early completion of a 4,000 sq. ft. storage building at our Joppa Road property.

We are engaged in the design and production of sensitive systems for the National Security Agency under competitive bid contracts. We are in the process of starting several new production programs and urgently need to rearrange our factory operations to accommodate same. We will be faced with extreme hardships if this building is not completed in an appropriate time frame.

We would appreciate anything Baltimore County can do to enable us to move ahead with this building so that we can operate our manufacturing operations in a productive and efficient manner and ship these systems in accordance with our contractual obligations.

Thank you for your help.

Sincerely,

G. W. Rodgers  
Director of Operations  
Towson Facility

GWR/cr

cc: W. P. Harokopos

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Baines  
Zoning Commissioner

April 6, 1988

## **NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 88-488-A  
NW Corner Joppa Road and Mylander Lane  
(1300 Joppa Road)  
9th Election District - 4th Councilmanic District  
Petitioner(s): Allied Corporation - Bendix Communications Division  
HEARING SCHEDULED: WEDNESDAY, JUNE 1, 1988 at 1:00 p.m.

Variance to permit a 15 foot front yard in lieu of the required 25 foot, a 17 foot west side yard in lieu of the required 30 foot, and a 23 foot east side yard in lieu of the required 30 foot for the proposed storage facility.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT BAINES  
Zoning Commissioner of Baltimore County

cc: G. W. Rodgers  
Robert A. Hoffman, Esq.  
File



cc: Nolan - Scott, Inc.  
403 Allegheny Avenue  
Towson, Maryland 21204

RECEIVED  
MAY 11 1963  
ZONING OFFICE

151

RECEIVED  
MAY 17 1988  
ZONING OFFICE

RECEIVED  
JUL 14 1963  
ZONING OFFICE

RAM: 612



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

88-488-A

District: P24 Date of Posting: 5/13/88  
Posted for: Variance  
Petitioner: Allied Corp. - Bendix Communications Division  
Location of property: Mulcon Forge & Mylander Rd.  
1200 Forge Rd.  
Location of Sign: On Intersection of Mulcon & Mylander & P. 24  
Mylander, Signs E. N.W. Ex. No. 400  
Remarks: \_\_\_\_\_  
Posted by: M. Dyer Date of return: 5/13/88  
Number of Signs: 2

LAW OFFICES  
COOK, HOWARD, DOWNES & TRACY  
210 ALLEGHENY AVENUE  
P.O. BOX 8517  
TOWSON, MARYLAND 21204

JAMES H. COOK  
JOHN B. HOWARD  
DAVID D. DOWNES  
DANIEL O'C. TRACY, JR.  
JOHN H. ZINK, III  
JOSEPH C. WICH, JR.  
HENRY B. PECH, JR.  
HERBERT R. O'CONNOR, III  
THOMAS L. HUDSON  
C. CAREY DEELEY, JR.  
M. KING HILL, III  
GEORGE K. REYNOLDS, III  
ROBERT A. HOFFMAN  
CYNTHIA M. HAHN

TELEPHONE  
(301) 923-4111  
TELECOMPER  
(301) 921-0147  
DIRECT DIAL NUMBER  
(301) 494-9166

JUDITH A. ARMOLD  
DEBORAH C. DOPPIN  
KATHLEEN GALLOGLY COX  
KEVIN H. SMITH  
J. MICHAEL BRENNAN  
N. BARNETT PETERSON, JR.  
NATHAN L. ROTZ  
JAMES K. MAGALISTER  
REGAN J. R. SMITH  
JAMES D. C. DOWNES  
(1908/1978)

March 15, 1988

Mr. James E. Dyer  
Zoning Administrator  
County Office Bldg.  
111 W. Chesapeake Ave.  
Towson, MD 21204

Re: Allied Corp. - Bendix Communications Div.  
Petition for Variance - Conditional Variance

Dear Mr. Dyer:

This letter is to confirm our understanding of the position of the County Zoning Office, as expressed at meetings between Robert Hoffman and yourself, and between Mr. Hoffman and Zoning Commissioner Haines, on March 9, 1988.

Allied/Bendix has applied for necessary permits to construct a badly-needed storage facility at its property on Mylander Lane in the Towson area. Although Allied/Bendix needs to complete the facility expeditiously in order to satisfy contractual commitments related to the design and production of sensitive systems for the National Security Agency (see attached copy of letter from G. W. Rodgers to John B. Howard, Esq.), the proposed storage facility cannot be located on the property without yard variances. We are herewith submitting a Petition for Variance in this regard.

We understand that you are authorized to release conditional permits to Allied/Bendix pending further required proceedings on the Petition for Variance, as long as Allied/Bendix agrees that it is proceeding with any construction at its own risk and that, if the required yard variances are not ultimately granted, it must return the property to its pre-existing condition and remove any construction at its own sole expense.

Mr. James E. Dyer  
March 15, 1988  
Page Two

We fully understand the County's position and request that you issue conditional permits. We acknowledge that Allied/Bendix is proceeding at its own risk, and Allied/Bendix agrees that it will return the property to its pre-existing condition, at its own sole expense, if it does not ultimately obtain the yard variances it is requesting.

Very truly yours,

G. W. Rodgers  
Director of Operations  
Towson Facility  
Allied Corp., Bendix Communications Div.

Robert A. Hoffman

JAA:mb  
Attachment

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT

3/25/88  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 341, Zoning Advisory Committee Meeting of March 29, 1988  
Property Owner: Allied Corp. - Bendix Communications Division  
Location: Mulcon Forge Rd. and Mylander Lane District 9  
Water Supply metro Sewage Disposal metro

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3911.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_, conducted.
- ( ) The results are valid until \_\_\_\_\_.
- ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ( ) shall be valid until \_\_\_\_\_.
- ( ) is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- ( ) Others \_\_\_\_\_

Karen M. Murray  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
30th day of March, 1988.

Petitioner: Allied Corp.  
Petitioner's Attorney: Robert A. Hoffman  
Received by: J. Robert Haines  
ZONING COMMISSIONER  
Chairman, Zoning Plans Advisory Committee



